IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(Crl.).No. 53 of 2007(S)

PETITIONER:

C.S.GOPALAKRISHNAN, AGED 45 YEARS,
S/O.SANKU P, CHARUVILA PUTHEN VEEDU,
KARAMCODE P.O.,EARAM,CHATHANNOOR, KOLLAM.

BY ADV. SRI.DILEEP P.PILLAI
SMT.SHAIMA .U.

RESPONDENTS:
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1. GOPESH, S/O.GOPALAKRISHNAN,
THOTTINKARA VEEDU, EARAM,
KARAMCODE P.O.CHATHANNOOR, KOLLAM.

2. RADHA, W/O.GOPALAKRISHNAN,
THOTTINKARA VEEDU, EARAM,
KARAMCODE P.O.CHATHANNOOR, KOLLAM.

3. GOPALAL,S/O..GOPALAKRISHNAN,
THOTTINKARA VEEDU, EARAM,
KARAMCODE P.O.CHATHANNOOR, KOLLAM.

4. LEENA, W/O.RADHA,
THOTTINKARA VEEDU, EARAM,
KARAMCODE P.O.CHATHANNOOR, KOLLAM

5. SUPERINTENDENT OF POLICE,
OFFICE OF THE DUSTRICT SUPERINTENDENT OF POLICE,
KOLLAM.

6. CIRCLE INSPECTOR OF POLICE,
CHATHANNOOR, KOLLAM.

7. SUB INSPECPTOR OF POLICE,
CHATHANNOOR, KOLLAM.

BY ADV. SRI.B.PREMOD
SRI.BIMAL K.NATH
SRI.S.JAMAL
SRI.SREEVALSAN.V
BY GOVERNMENT PLEADER SRI. P.A.SALIM.

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1: COPY OF F.I.R. IN CRIME NO.91/07 OF CHATHANNOOR POLICE STATION DATED 5.3.2007.

RESPONDENT'S EXHIBITS:

EXT.R8(a): COPY OF THE MARRIAGE CERTIFICATE.

EXT.R8(b): COPY OF PATHRIKA

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BKN // TRUE COPY//

P.A TO JUDGE.

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(Crl).NO.53 OF 2007

Dated this the 20th day of March, 2007.

JUDGMENT

Koshy, J.

Alleged detenue was present. According to the petitioner, his daughter alleged detenue was forcibly taken by 1st respondent and his friends against her will. At that time her marriage was also fixed with another boy. She stated that she wanted to go with her father and mother. And she also stated that she was illegally detained by a group of people, after abducting her. The Government Pleader submitted that 10 persons were arrested and they were remanded. According to alleged detenue marriage ceremony was conducted forcibly and she was compelled to sign papers. Whether the alleged marriage with 1st respondent and petitioner is valid or was it done under coercion etc. are not considered in the Writ Petition. She expressed her desire to go with her father as well as mother. The Writ Petition (Habeas Corpus) is allowed. Police should see that they reach their house safely. Appropriate investigation according to law should be conducted by the police in the crime registered and police also should see that no disturbance is caused to the alleged detenue in future.

J.B.KOSHY, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

bkn